

MAY 12 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARCOS XAVIER RAMIREZ,

Petitioner - Appellant,

v.

OREGON ATTORNEY GENERAL,

Respondent - Appellee.

No. 08-35232

D.C. No. 3:05-CV-00020-AS

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Oregon
Michael W. Mosman, District Judge, Presiding

Submitted May 4, 2009^{**}
Portland, Oregon

Before: W. FLETCHER, BEA, and IKUTA, Circuit Judges.

Marcos Xavier Ramirez appeals the district court's denial of his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The district court did not err when it denied Ramirez's petition because the state court's denial of post-

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

conviction relief to Ramirez was not “objectively unreasonable.” *Williams v. Taylor*, 529 U.S. 362, 409 (2000). Ramirez failed to show that his attorney’s performance was deficient even though his attorney did not object when the prosecutor listed a witness’s incentives for telling the truth on the stand. *See Strickland v. Washington*, 466 U.S. 668, 687 (1984).

AFFIRMED.